



Substitute Senate Bill No. 120

Public Act No. 16-157

AN ACT CONCERNING THE AUTHORITY OF DEPUTY FIRE MARSHALS AND FIRE INSPECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The State Fire Marshal and the Codes and Standards Committee, acting jointly, shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other classes of fire code inspectors and fire investigators as they deem necessary. For local fire marshals, deputy fire marshals and fire inspectors, such standards shall include a requirement that the person has (1) at least three years' experience (A) in fire suppression or fire prevention activities, (B) in responding and controlling releases or potential releases of hazardous materials, (C) in inspection activities concerning the fire safety or prevention code or hazardous materials, (D) in the investigation of the cause and origin of fires and explosions, or (E) as a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, or (2) equivalent experience as determined by the State Fire Marshal and the Codes and Standards Committee.

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(b) The State Fire Marshal and the Codes and Standards Committee shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified to be certified, or (2) accept successful completion of programs of training developed by agencies or institutions and approved by them as proof of qualification for certification, or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3) of this subsection, the State Fire Marshal and the Codes and Standards Committee shall issue or cause to be issued a certificate to such person stating that the person is certified. The State Fire Marshal and the Codes and Standards Committee shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other fire code inspectors or fire investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3) of this subsection. On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other fire code inspector or fire investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if such person fails to maintain certification. The State Fire Marshal and the Codes and Standards Committee shall conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of not less than ninety hours of training over a three-year period. The State Fire Marshal and the Codes and Standards Committee shall establish the minimum hours of training for the other classes of fire code inspectors and fire investigators, which shall recognize the varying involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training and present proof of

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successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, and with the participation of one or more members of the Fire Marshal Training Council, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof. Any local fire marshal, deputy fire marshal, fire inspector or other fire code inspector or fire investigator who wishes to retire his or her certificate may apply to the State Fire Marshal and the Codes and Standards Committee to have such certificate retired and be issued a certificate of emeritus. Such retired local fire official may no longer hold himself or herself out as a certified local fire official.

(c) No local fire marshal, deputy fire marshal, fire inspector or other fire code inspector or fire investigator acting for a local fire marshal, who is charged with the enforcement of this part, may be held personally liable for any damage to persons or property that may result from any action that is required or permitted in the discharge of his or her official duties while acting for a municipality or fire district. Any legal proceeding brought against any such fire marshal, deputy fire marshal, fire inspector or other fire code inspector or fire investigator because of any such action shall be defended by such municipality or fire district. No such fire marshal, deputy fire marshal, fire inspector or other fire code inspector or fire investigator may be held responsible for or charged with the costs of any such legal proceeding. Any officer of a local fire marshal's office, if acting without malice and in good faith, shall be free from all liability for any action or omission in the performance of his or her official duties.

(d) Except as provided in this subsection, each [certified] deputy fire marshal, fire inspector or other fire code inspector or fire investigator, certified pursuant to this section, shall act under the direction and supervision of the local fire marshal while enforcing the provisions of this part. The local fire marshal may authorize, in writing, such deputy

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fire marshal or fire inspector to issue any permit, [or] order or citation under the provisions of this part or to certify compliance with the provisions of this part, on his or her behalf. If no local fire marshal has been appointed in accordance with the provisions of section 29-297, as amended by this act, the deputy fire marshal or acting fire marshal shall assume the authority granted to the local fire marshal under this section.

Sec. 2. Section 29-297 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough, or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough, or, in the case of an incorporated fire district, the executive authority of such district shall appoint a local fire marshal and such deputy fire marshals, fire inspectors and other fire code inspectors or fire investigators as may be necessary. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of such municipality. Each local fire marshal shall be sworn to the faithful performance of his or her duties by the clerk of the town, city, borough or fire district and shall continue to serve in that office until removed for cause. Such clerk shall record his or her acceptance of the position of local fire marshal and shall report the same in writing to the State Fire Marshal within ten days thereafter, giving the name and address of the local fire marshal and stating the limits of the territory in which the local fire marshal is to serve.

(b) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and

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burgesses of each borough or, in the case of an incorporated fire district, the executive authority of such district may, upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal, appoint a [certified] deputy fire marshal as the acting fire marshal for a period not to exceed one hundred eighty days.

Approved June 6, 2016